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06-018-JJF

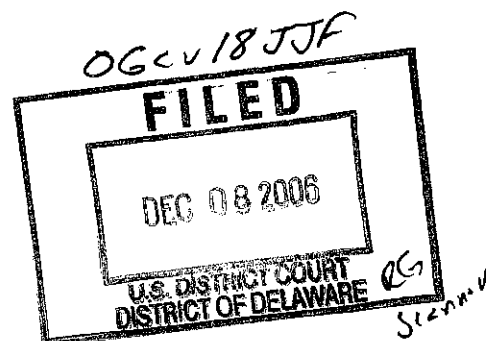
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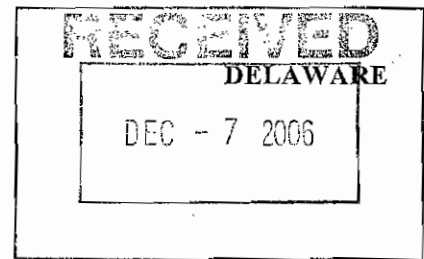
Dear Sir,

This was the basis  
for my lawsuit. I am entering this as evidence  
with the courts. Please take note.

Respectfully  
N. Hughston-Joskey  
520 BARTIC AVE  
BROOKLYN, MD 21225

cc: Honorable Judge  
Joseph J. Farrow Jr.





STATE:  
General Reference:

**DELAWARE**  
Delaware Code Annotated

Basis for a DWI Charge:

Standard DWI Offense:  
Illegal Per Se Law (BAC/BrAC):  
Presumption (BAC):  
Types of Drugs/Drugs and Alcohol:

Under the influence of alcohol 21 §4177(a)(1)  
≥.08<sup>206and207</sup> 21 §4177(a)(4)  
**None**  
Under the influence of (1) any Drug or (2) a Combination of  
Alcohol and a Drug<sup>208</sup> 21 §4177(a)(2) and (3)  
**Persons Under 21 Years Old-Vehicle Operation While or**  
**After Consuming Alcoholic Liquor**<sup>209</sup> 21 §4177L(a)

Chemical Breath Tests for Alcohol Concentration:

Preliminary Breath Test Law:  
Implied Consent Law:  
Arrest Required (Yes/No):  
Implied Consent Law Applies to  
Drugs (Yes/No):  
Refusal to Submit to Chemical Test  
Admitted into Evidence:  
Other Information:

**Yes**<sup>210</sup> 21 §2741  
**No.** Probable cause is sufficient 21 §§2740 and 2742(e)  
**Yes** 21 §2740  
**Yes** (Criminal and Civil Cases) 21 §2749  
A person may be required to submit to a chemical test if  
there is probable cause of a DWI offense. However, if a  
person is informed of their statutory right to refuse to submit  
to a test and he/she exercises this right, a test cannot be  
administered by involuntary means. 21 §§2740, 2741(b) and  
2742(a), *McCann v. State*, 588 A.2d 1100 (Del. 1991), and  
*Seth v. State*, 592 A.2d 436 (Del. 1991)  
A person must submit to a chemical test if there is probable  
cause to believe that person committed a DWI offense  
related to an accident in which there was a death. 21 §2740  
{In death-related DWI situations, it appears that a driver  
cannot refuse to submit to a test. Therefore, "forced" taking  
of blood samples for testing purposes may now be possible  
under these circumstances.}

<sup>206</sup> This State's illegal per se law also makes it an offense to operate a motor vehicle with a breath alcohol concentration of .08 or more.

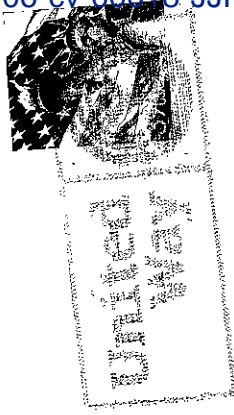
<sup>207</sup> Standard: Grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. 21 §§4177(c)(1) and 4177L(b)

<sup>208</sup> The term "drug" includes (1) those drugs defined in Titles 11 and 16 (e.g., see schedule of controlled substances in Ch. 47 of Title 16) and (2) any substance or preparation which releases intoxicating vapors or fumes. 21 §4177(c)(7)

<sup>209</sup> An alcohol concentration ≥.02 is "per se evidence" of having consumed alcoholic liquor. 21 §4177L(b)

<sup>210</sup> The law appears to only indirectly authorize PBT use.

**DWI Bicycle.** Separate provisions of law make it illegal to ride a bicycle while under the influence of either an intoxicating liquor or narcotic drugs. The sanctions for this offense are as follows: first offense – a fine of \$150 to \$1,150; subsequent offense (within 2 years of a prior offense) – an imprisonment term of 10 to 30 days and/or a fine of \$400 to \$1,500. {A violation of this law is not entered on an offender's driver licensing record. 21 §4198K}.



BALTIMORE MD 212  
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U.S. DISTRICT COURT  
Honorable Judge  
Joseph J. FARNAN JR  
LOCKBOX 18  
844 KING STREET  
WILMINGTON, DELAWARE 19801

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